

Your Name: John Susino
Address: PO Box 6701, San Jose, CA 95150
Phone Number:
Email Address: LaborRightsViolations@mail.com
Pro Se Plaintiff

FILED

FEB 03 2025

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

John Susino,
In Pro Per

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Case Number :

25 01102 SVK

v. Plaintiff,

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Safeway,
Inc., Et Al.

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Defendants.

COMPLAINT

DEMAND FOR JURY

TRIAL Yes ☒ No ☐

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17 **I. PARTIES**

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19 **Plaintiff.**

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21 **Name: JOHN SUSINO**

22 **Address: PO Box 6701, San Jose, CA 95150**

23 **Telephone:**

24 **Defendants. [Write each defendant's full name, address, and phone number.]**

25 **Defendant 1:**

26 **Name: Safeway, Inc.**

27 **Address: 5918 Stoneridge Mountain Road, Pleasanton, CA 94588**

28 **Telephone: 925-226-5000**

29

30 **Defendant 2:**

31 **Name: Roman Nunez**

32 **Address: c/o Safeway, Inc. 5918 Stoneridge Mountain Road, Pleasanton, CA 94588**

Telephone: 925-226-5000

Defendant 3:

Name: Scott Goh

Address: c/o Safeway Inc., 5918 Stoneridge Mountain Road, Pleasanton, CA 94588

Telephone: 925-226-5000

Defendant 4:

Name: United Food and Commercial Workers Union Five (aka UFCW5)

Address: 28870 Mission Boulevard, Hayward, CA 94544

Telephone: 510-889-0870

Defendant 5:

Name: Laurie Mesa

Address: c/o UFCW5 28870 Mission Boulevard, Hayward, CA 94544

Telephone: 510-889-0870

Defendant 6:

Name: Jane Doe One (aka UFCW5 Union Representative)

Address: c/o UFCW5 28870 Mission Boulevard, Hayward, CA 94544

Telephone: 510-889-0870

Defendant 7:

Name: Jane Doe Two (aka LIZ, Asset Protection Specialist)

Address: c/o Safeway, Inc. 5918 Stoneridge Mountain Road, Pleasanton, CA 94588

Telephone: 925-226-5000

Defendant 8:

Name: Kelli Elison

Address: c/o Safeway, Inc. 5918 Stoneridge Mountain Road, Pleasanton, CA 94588

Telephone: 925-226-5000

II. JURISDICTION

Usually only two types of cases can be filed in federal court, cases involving “federal questions” and cases involving “diversity of citizenship.” Check at least one box.

3. My case belongs in federal court

☒ under federal question jurisdiction because it involves a federal law or right.

Which federal law or right is involved?

National Labor Relations Acr (aka NLRA; aka Wagner Act)

Taft-Hartley Act

Beck Right

Title VII (7) of the Civil Rights Act of 1964

The Weingarten Rule

Federal Rule 23

PAGA (Private Attorney General Act) via Federal Rule 23

☒ under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

III. VENUE

The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.

4. Venue is appropriate in this Court because:

☒ a substantial part of the events I am suing about happened in this district.

☐ a substantial part of the property I am suing about is located in this district.

☐ I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.

☒ at least one defendant is located in this District and any other defendants are located in California.

IV. INTRADISTRICT ASSIGNMENT

This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka-McKinleyville. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka-McKinleyville division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.

1. Because this lawsuit arose in Santa Clara County, it should be assigned to the San Jose Division of this Court.

V. STATEMENT OF FACTS

Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.

Pre-Emptively : Mea Culpa

I apologize to The Court and Your Honor, Presiding, if the format or anything else of this pleading may not be correct in part and/or in its entirety correct per Federal legal constructs or other legal rules of this Court.

Please allow an opportunity to amend the needed changes.

I am not a lawyer. I am a layperson, seeking legal worker rights of myself and others.

As the attached STATEMENT OF FACTS and CLAIMS sections will delineate, the violations are

Irrefutable with recorded evidence and supported by violations of Federal law and employees' rights.

Encapsulated in a stanza of the 1970s musical band WAR. " I may not speak right, but I know what I'm talking about."

Plea to The Court: let this legal action go forward.

In the event that part of this Complaint is not legally correct, it is humbly requested that the complaint can be refiled, without prejudice and without further cost or fees.

Please see attached STATEMENT OF FACTS (Attachment One)

VI. CLAIMS

First Claim

Name the law or right violated: An employee is NOT required to join a Labor Organization

(*Taft-Hartley Act*)

Name the defendants who violated it:

Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two; Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

In violation of The Taft-Hartley Act and detailed in STATEMENT OF FACTS, Plaintiff was told by Defendants Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two that Plaintiff and other employees must join the Union. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated.

Second Claim

Name the law or right violated: An employer cannot **coerce** an employee into joining a labor organization

(*National Labor Relations Act*)

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Name the defendants who violated it: Safeway, Inc.; Roman Nunez, Scott Goh ; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Plaintiff was coerced by Defendants that Plaintiff and other employees into joining the Union or lose employment. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated.

Third Claim

Name the law or right violated: An employer cannot **interfere** with an employee to join a labor organization.

(National Labor Relations Act)

Name the defendants who violated it: Safeway, Inc. ; Roman Nunez; Scott Goh; Jane Doe Two; Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids *employers* from interfering with *employees* in the exercise of rights **relating to joining** a labor organization.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc., and Managers Scott Goh, Manager Roman Nunez, and Asset Loss Specialist Liz (aka Jane Doe) constantly stated Plaintiff Susino must join the Union. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Fourth Claim

Name the law or right violated:

An employer **cannot assist** a labor organization in making employees join a labor organization.

(The National Labor Relations Act)

Name the defendants who violated it: Safeway, Inc. ; Roman Nunez; Scott Goh,; Jane Doe Two; Kelli Elison.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from **assisting** a labor organization in the exercise of rights relating to employees refraining to *join* a labor organization.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc., and Managers Scott Goh, Manager Roman Nunez, and Asset Loss Specialist Liz (aka Jane Doe) constantly assisted Defendants UFCW5, Laurie Mesa, and Jane Doe One in mandating that Plaintiff Susino and other employees and new hires must join the Union or lose employment.. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Fifth Claim

Name the law or right violated:

A **labor organization** cannot **coerce** an employee into refraining from joining a labor organization

(The National Labor Relations Act)

Name the defendants who violated it: UFCW5; Laurie Mesa; Jane Doe One

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids labor organizations from *coercing employees* in the exercise of rights relating to refraining from *joining* a labor organization.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Defendants UFCW5, Laurie Mesa, and Jane Doe One demanded that Plaintiff Susino and other employees and new hires must join the Union or lose employment. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Seventh Claim

Name the law or right violated:

An employer cannot **threaten** employees with loss of job for refraining from joining a labor organization

(The National Labor Relations Act)

Name the defendants who violated it: Safeway, Inc. ; Roman Nunez, Scott Goh; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from threatening employees with *loss of jobs* if they *engage in protected activity*, in this case not joining a union.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc., and Managers Scott Goh, Manager Roman Nunez, and Asset Loss Specialist Liz (aka Jane Doe) constantly threatened

Plaintiff Susino and other employees and new hires must join the Union or lose employment.

Eighth Claim

Name the law or right violated:

A labor organization cannot threaten employees with job loss. (The National Labor Relations Act)

Name the defendants who violated it: UFCW5; Laurie Mesa; Jane Doe One

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids labor organizations from threatening employees with *loss of jobs* if they *engage in protected activity*.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Defendants UFCW5, Laurie Mesa, and Jane Doe One demanded that Plaintiff Susino and other employees and new hires must join the Union or lose employment. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Ninth Claim

Name the law or right violated: Employees cannot be **questioned** about their union sympathies or activities

(The National Labor Relations Act)

Name the defendants who violated it: Safeway, Inc. ;Roman Nunez, Scott Goh, Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from **Questioning employees** about their *union*

sympathies or activities in circumstances that tend to interfere with, restrain or **coerce employees in the exercise of their rights** *under the National Labor Relations Act.*

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc., and Managers Scott Goh, Manager Roman Nunez, and Asset Loss Specialist Liz (aka Jane Doe) constantly questioned Plaintiff Susino regarding Susino's activities in joining the Union or lose employment. When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Tenth Claim

Name the law or right violated: Laying off employee because he would not join union (The NLRA)

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from *laying off*, employees *because they engaged in a protected activity.*

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc., Manager Roman Nunez, and Asset Loss Specialist Liz (aka Jane Doe) layed off Plaintiff Susino when Plaintiff Susino asserted in protected activities regarding joining the union.

When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Eleventh Claim

Name the law or right violated: Seeking the Suspension of an employee for not joining Union (The NLRA)

Name the defendants who violated it: UFCW5; Laurie Mesa; Jane Doe One

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids labor organizations from **suspending** employees for not being a union member.

In violation of The NLRA and detailed in STATEMENT OF FACTS, UFCW5, Laurie Mesa, and Jane Doe

One openly sought the suspension of Plaintiff Susino for not becoming a union member when Plaintiff

Susino when Plaintiff Susino asserted in protected activities regarding joining the union.

When Plaintiff did not join Union, Plaintiff was targeted, harassed, suspended and then terminated and lost

job in violation of The NLRA.

Twelfth Claim

Name the law or right violated: Terminating employee for not joining Union (The NLRA)

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two; Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from **terminating** employees *because they engaged in protect ted activity*.

In violation of The NLRA and detailed in STATEMENT OF FACTS, Safeway, Inc.,

Manager Roman Nunez, and Manager Kelli Elison terminated Plaintiff Susino when Plaintiff Susino asserted in protected activities regarding joining the union.

When Plaintiff did not join Union and wanted clarification on denuded payments to the UFCW5 including agreeing to pay unidentified costs without any numerical amount, Plaintiff was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Thirteenth Claim

Name the law or right violated: The Beck Right

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

In violation of The Beck Right and detailed in STATEMENT OF FACTS, Plaintiff and other employees were NEVER told nor given notice ever by Defendants Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two, and Kelli Elison that Plaintiff and other employees of the civil rights guaranteed to employees via The Beck Right.

When Plaintiff Susino asked for clarification of laws mandating joining a labor organization, UFCW5's

Laurie Mesa said that she did not have to disclose such, Jane Doe One remained silent when asked, and

Manager Roman Nunez remained silent also.

Plaintiff was targeted, suspended, and then terminated and lost job in violation of The NLRA.

Fourteenth Claim

Name the law or right violated: The National Labor Relations Act

304 Name the defendants who violated it:

305 Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

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307 Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make
308 legal arguments. You can refer to your statement of facts.

309

310 In violation of The NLRA and detailed in STATEMENT OF FACTS, An employee may object to union
311 membership on religious grounds.

312 Plaintiff and other employees were NEVER told nor given notice ever by Defendants Safeway, Inc., Scott Goh, Roman Nunez,
313 UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two, and Kelli Elison that Plaintiff and other employees of the civil rights
314 guaranteed to employees to object to joining a union on religious grounds.

315 When Plaintiff Susino asked for clarification of laws mandating joining a labor organization, UFCW5's

316 Laurie Mesa said that she did not have to disclose such, Jane Doe One remained silent when asked, and

317 Manager Roman Nunez remained silent also.

318 Subsequently, Safeway, Inc., Manager Roman Nunez, Jane Doe Two suspended Plaintiff Susino, and

319 Manager Kelli Elison terminated Plaintiff Susino when Plaintiff Susino asserted religious protections

320 regarding joining the union.

321

322 Fifteenth Claim

323 Name the law or right violated: Weingarten Rights via The NLRA

324 Name the defendants who violated it: UFCW5; Laurie Mesa; Roman Nunez, Jane Doe One; Jane Doe Two

325 Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make
326 legal arguments. You can refer to your statement of facts.

327 Per the NLRA and detailed in STATEMENT OF FACTS, employees have the right to representation in a

meeting, whether represented by a union or not. Weingarten representatives are entitled to provide advice and active assistance to employees during investigatory interviews.

When Plaintiff Susino asked for clarification and guidance of laws mandating joining a labor organization, and all else of this first unannounced meeting, UFCW5, Laurie Mesa, and Jane Doe One remained silent when asked for help, and Manager Roman Nunez remained silent also.

When Plaintiff Susino asked for clarification and guidance of laws mandating joining a labor organization, and all else of the second unannounced meeting, Jane Doe Two responded that she did not know the law since she does not work for either the Federal or California State governments.

Subsequently, Safeway, Inc., Manager Roman Nunez, Jane Doe Two suspended Plaintiff Susino, and Manager Kelli Elison terminated Plaintiff Susino when Plaintiff Susino asserted religious protections regarding joining the union.

Fifteenth Claim

Name the law or right violated: The National Labor Relations Act

Name the defendants who violated it:

Safeway, Inc.; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two, Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Per the NLRA and detailed in STATEMENT OF FACTS, employees have the right to join together and organize to advance their interests as employees, including the right to refrain from a protected activity, such as joining a labor organization and thereafter becoming a "core member" as opposed to a union

member. It is unlawful for a labor union, its representatives, and employers to restrain or coerce employees in the exercise of their rights.

Numerous Safeway employees learned about Plaintiff Susino not being a union member and encourage Susino to continue in this effort, as said employees wanted to disengage from the union for a variety of reasons and join Susino in not being members in the UFCW5 Union.

When Plaintiff did not join Union and continually asked for clarification and help regarding the legal basis of a/an employee/employees mandating the joining a union, Plaintiff Susino was targeted, harassed, suspended and then terminated and lost job in violation of The NLRA.

Sixteenth Claim

Name the law or right violated: Title VII of the Civil Rights Act of 1964

Name the defendants who violated it:

Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two; Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

In violation of The Title VII and detailed in STATEMENT OF FACTS , the numerous Acts of Retaliation directed at Plaintiff Susino occurred when Susino and other employees asserted legal labor rights codified by law for himself and other employees of rights codified by laws and were asserting in protected activities.

ALL the Defendants, individually and in collectively in concert together, putforth employment policies that are unlawful and discourages the exercise of labor rights. Starting when UFCW5's Laurie Mesa was allowed acts harassing , intimidation, and stalking of Plaintiff Susino, and then when reported to Safeway Manager Scott Goh who stated, "Laurie Mesa can do whatever she wants! You MUST join the Union or you can't work here!"

When Plaintiff Susino reported the incident to a Safeway Reporting , the acts of Retaliation became more intense.

When Safeway Manager Roman Nunez had a first meeting and asked, "Why haven't you joined the union?" and then explicitly stated, " You must join the union!"

When Safeway Manager Roman Nunez targeted Plaintiff Susino and thereafter committed battery upon Plaintiff Susino in no less than two occasions in the bakery, it was retaliation.

When Plaintiff Susino was called into the first an unannounced meeting with UFCW5 representatives Laurie Mesa and Jane Doe One with Roman Nunez with means seeking to force union membership upon Susino, it was retaliation.

When Plaintiff Susino was called into the second an unannounced meeting with Safeway Asset Protection Specialist Jane Doe with Roman Nunez with questioning and coercing a forced union membership upon Susino that resulted in suspension, it was retaliation.

When Plaintiff Susino was terminated illegally for asserting protected activity rights per NLRA, it was retaliation.

Seventeenth Claim

Name the law or right violated: Private Attorney General Act (PAGA) via Diversity Issue

Name the defendants who violated it:

Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Jane Doe Two; Kelli Elison

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

As is detailed in STATEMENT OF FACTS , Plaintiff Susino seeks this Federal Court to allow Plaintiff Susino to follow the Private Attorney General Act (aka PAGA) as Federal Jurisdiction via Diversity for the following basis.

Per discussion with attorneys, the Federal Court is the ONLY venue available to enforce the Federal issues and Federal laws of this case, such as NLRA, Title VII of the Civil Rights Act, Taft-Hartley Act, The Beck Right, and other Federal laws since all are Federal labor issues.

Per attorneys, PAGA is a state law of California that is specially intended and applicable only for labor

issues involving California laws. As such, the California State Judicial System cannot allow the inclusion of the Federal issues of the afore noted Federal laws as are the basis of this Complaint in Federal Court.

Per attorneys, this Federal Court is the only recourse for the Federal issues and for Plaintiff Susino to request Federal Diversity to allow PAGA be heard in Federal Court to bring representative claims on behalf of and for other workers subject to the same alleged violations of law and labor rights that were universally and similarly violated.

VII. DEMAND FOR RELIEF

State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.

Compensatory Damages;

Punitive Damages;

Exemplary Damages;

Disclosure of the lawsuit to all past Safeway, Inc., employees of the violations Federal law and rights per of NRLA, Taft-Hartley Act, Beck Right, and other stated Federal laws;

Violations reported to National Labor Relations Board for investigation with evidence obtained and presented to The Court;

Any and all Court costs and legal fees of the Plaintiff and other parties related fees and costs from and for PAGA;

In the event that this complaint, in part or in its entirety, is incorrect in format or other discrepancies, allow the Plaintiff to make any requisite changes to change and/or amend the complaint for compliance. The computer used often had different operating system, different version of MS Word, and different versions of Acrobat software. When trying to combine all these difference, the end result often had omissions, changes, inclusions and the like that affected formatting and the resulting printout of the complaint and other submitted documents;

It is requested and plead to the Court and Your Honor, The Presiding Judge, to allow any necessary amendments and alterations to the submitted in the interests of justice and without prejudice and/or monetary charge of fees, as Plaintiff has incurred substantial costs out-of-pocket for this filing to contest for and interest of legal and employee civil rights of workers.

VIII. DEMAND FOR JURY TRIAL

Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.

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■ Plaintiff demands a jury trial on all issues.

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Respectfully submitted,

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Date: February 2, 2025

Sign Name:



442

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Print Name:

444

John Susino

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Copy this page and insert it where you need additional space.

Attachment One (1)

STATEMENTS OF FACTS

Susino was hired by Safeway, Inc., in the Pandemic and later designated an "Essential Worker" per government Emergency Declarations.

Susino's work product and work efforts under pandemic life-threatening circumstances were acknowledged and praised by vast number of customers, Safeway Store Managers, Safeway Western Regional Managers, local First Responders, Cal Fire, and philanthropic organizations.

Susino was content, proud, and determined in this life threatening work at such a dire time globally without any cure nor vaccination in a hazardous public health situation that was literally killing thousands per day.

In October 2020, Susino was re-stocking shelves when an *unknown, unidentified masked* woman thrust a paper at Susino and stated Susino *must sign the unknown document*. [Emphasis Added/

Confused, Susino was not authorized to sign anything in his employment duties. Per Safeway training, Susino sought Safeway Supervisors and Safeway Managers for guidance.

Susino physically disengaged and got away from the unidentified masked woman. The unknown, masked woman then began trailing and thereafter stalking immediately behind Susino wherever Susino went, *even in designated areas not open to the public causing Susino heightened personal safety concerns*. [Emphasis Added].

Susino asked the masked woman acting oddly and stalking Susino to stop following and leave Susino

23 alone. The unidentified, masked woman laughed and continued on her disturbing course of conduct.
24 Finally per Safeway harassment and stalking training, Susino sought safe-haven and refuge from the still
25 unknown, masked woman in the upper-floor Manager's office. The masked woman still continued to
26 follow Susino, even up the staircase into the Manager's office.

27
28 There in the office was Safeway **Store Manager Scott Goh**. The masked woman appeared immediately at
29 the doorway. Susino notified Manager Goh of the situation and acts of the still unknown woman.

30 Safeway Manger Goh then said, "*That's Laurie Mesa!*" *She can do whatever she wants!*"
31 [Emphasis Added]

32 Laurie Mesa would be identified as a Union Representative of UFCW5.

33 It is important to note that this was the first time in this matter Laurie Mesa was identified, what
34 organization she represented, whom she was employed by, and her UFCW5 title. *It is far more important*
35 *to note that Laurie Mesa herself never identified herself nor the organization she is attached to, nor why*
36 *she was acting in such a disturbing, stalking manner.* [Emphasis Added]

37 When asked about the document Laurie Mesa demanded signing by Susino, Safeway Manager Scott Goh
38 unequivocally stated, "*You must sign! You must join the Union, or you cannot work here!*"
39 [Emphasis Added]

40 Susino was coerced and threatened with immediate job loss if refusing to signing the document.

41
42 UFCW5 Representative Laurie Mesa would eventually verbally comment directly to Safeway employee
43 Susino in a mocking tone, "... **You're scared of me! I intimidated you ...**" [Emphasis Added]

44 And then Mesa laughed.
45

46 After experiencing Mesa's stalking and odd behavior and now confirmed by Mesa herself of intimidation
47 and fear inducement, Susino told Laurie Mesa that he, Susino, wanted no contact with her and to stay away
48 from Susino.

49 UFCW5 Representative Lauris Mesa was then heard laughing again.

50 **The evidence of this event is not in conflict nor in dispute.**

51 **Its entirety is *confirmed* to be captured on Safeway Security Cameras, both visually and auditory.**

52 **As will be cited in the legal argument, the acts and representation made by both UFCW5' its**
53 **representative Laurie Mesa, and Safeway Manager Scott Goh are violation of the laws delineated in**
54 **National Relations Labor Act (NLRA) and Taft-Hartley Act.**

55
56 Disturbed by both the stalking and Mesa's own confirmation of intimidation and fear inducement by
57 UFCW5 Union Representative, and then Safeway Manager Scott Goh's statement Laurie Mesa can do
58 whatever she wants, Susino called in the incident to a Safeway confidential reporting number and made a
59 report of the workplace incident, per Safeway Harassment and Safety Training.

60
61 Thereinafter, Susino was labeled an instigator and targeted as a whistleblower.

62 Thereinafter, Susino would be targeted for reprisals, fabricated false allegations of work product, coercion,
63 threats, and demanding orders to join the Union, physical battery, and other targeted tactics.

64
65 The reprisals began with false work product accusations. Based on a false allegation by a roving Area
66 Manager, Safeway Manager Roman Nunez called Susino into the Manager's office. The first statements
67 made by Safeway Manager Nunez, " *Why haven't you joined the Union? Get with the program! You*

68 ***work for Us!” [Emphasis Added]***

69 Manager Nunez then asked about the allegations made against Susino and why said work duties were not
70 fulfilled. Susino then noted that that allegation were flawed: Susino had been off schedule and not working
71 during the time the cited events happened.

72 A supervisor confirmed Susino was not scheduled during the time of the allegations against Susino.
73 Realizing he was in error, had no basis nor foundation, and Nunez himself did not do any due diligence,
74 and was looking for a non-existent reason to terminate Susino. Safeway Manager Nunez then said, “ Oh...
75 Well, **you have to join the Union!” [Emphasis Added]**

76 **The evidence of this event is not in conflict nor in dispute.**

77 **Its entirety is confirmed to be captured on Safeway Security Cameras, both visually and auditory.**

78 **As will be cited in the legal argument, the acts and representation made by Safeway Manager Roman**
79 **Nunez) are violation of the laws delineated in National Relations Labor Act (NLRA) and Taft-**
80 **Hartley Act.**

81
82 The targeting acts and reprisals continued and increased by Safeway Manager Roman Nunez. Safeway
83 Manger Roman Nunez’s acts became physical, including physical battery upon a subordinate employee.
84 Susino.

85 The first act of battery upon Susino occurred during the Christmas season when Susino was on the phone
86 and speaking with a customer calling in an order. Safeway Manger Roman Nunez came in from behind
87 Susino, out-of-sight and unannounced, and grabbed the phone from Susino’s grip and hung up the phone
88 one the receiver.

89 Safeway Manger then ordered employee Susino. “Get back to work!”

90 The second act of physical battery came when Susino was pushing bread rack column out and onto the
91 shelves for stocking. While pushing the tall column of racks, an unexpected, jolting force pulled the entire
92 column forward with force that almost made Susino fall forward and lose balance of the rack and himself,
93 falling upon the floor.

94 Looking to see what happened ahead of the rack to determine the safety hazard, Susino saw Safeway
95 Manager Roman Nunez come out of the only out-of-sight, hidden area ahead of the rack column Nunez was
96 without permission pulling. As in the previous battery committed by Safeway Manager Nunez, Nunez's
97 actions were unannounced, unrequested, and out-of-view visually. Safeway Manager Nunez then stated, "I
98 thought you'd like the help!" before immediately walking away.

99 With yet another act of reprisal targeting and physical battery, Susino reported the incident to Store
100 Manager Andrew.

101 **The evidence of this event is not in conflict nor in dispute.**

102 **Its entirety is confirmed to be captured on Safeway Security Cameras, both visually and auditory.**

103 **As will be cited in the legal argument, the acts and statements made by Safeway Manager Roman**
104 **Nunez are violation of the laws delineated in National Relations Labor Act (NLRA)**

105
106 Susino would now in retaliation be separated, suspend, and then terminated for not joining the Union,
107 paying demanded monies, and making mandatory Safety Reporting.

108
109 Susino was called unannounced and unscheduled into the upstairs manager's office. There waiting was
110 UFCW's Representative Laurie Mesa, Safeway Manager Roman Nunez, and an unidentified UFCW's
111 representative Jane Doe One.

112 Displaying a pattern of conduct, as done previously, UFCW5's Laurie Mesa once again thrust forward a
113 document and demanded Susino sign said document. Susino asked to read the document, and UFCW5's
114 Laurie Mesa retracted the document away from Susino. When Susino asked why Susino could not read a
115 document without any review that UFCW5's Mesa was demanding signage, she relented and handed over
116 the document for review.

117 It was an agreement to join the union, arrearages, other costs, and a phrase "other fees may apply" but
118 offered no indication of the cost of unnamed fees or what said fees were.

119 Susino needed time to review the document. And then Susino stated UFCW5's Lisa Nunez was told
120 personally by Susino that there was not to be any contact between the two due to her previous stalking acts
121 and harassments and verbal statements.

122
123 UFCW5's Lisa Nunez replied, " [Safeway] Security contacted me and said it was okay."
124 [Emphasis Added]

125 Stunned by the admission of direct conversation between a Safeway Corporate Security review and a third-
126 party Union Representative who was reported for violations of labor law and Safeway policies, a stated
127 representation of reported acts of stalking and fear inducement and intimidation being "Okay", and then
128 additionally never receiving any contact nor communication whatsoever from Safeway to Susino. Susino
129 asked whom Laurie Mesa was in contact with that made that determination.

130 UFCW5's Laurie Mesa said, "I don't have to tell you."

131 It was apparent that this was a pre-conceived effort targeted at employee Susino was based on him not
132 joining and becoming a member in the Union and reprisals of his reporting.

133 When asked what the law states about Union membership, UFCW5's Laurie Mesa said, " **I don't have to**

134 tell you.” [Emphasis Added]

135
136 When the same question was posed to UFCW5’s Jane Doe One. **she remained silent” [Emphasis Added]**

137 When the same question was posed to Safeway Manager Roman Nunez. his reply was. “ **I’m following**
138 **what Safeway says.” [Emphasis Added]**

139
140 **UFCW5, Mesa, Nunez, Safeway, and the unidentified UFCW5 Jane Doe One are wrong. As is**
141 **delineated in the CLAIMS section, this is violation of Federal NLRA law and The Beck Right and**
142 **The Weingarten Rights.**

143
144 Then UFCW5’s Laurie Mesa took out another document and ordered Safeway Manager Roman Nunez to
145 sign it. Safeway Manager followed Mesa’s order to him.

146
147 When Susino asked what and if the document being signed was related to his employment. Safeway
148 Manager Nunez responded. “ I’ll get you a copy later.” A copy was never given to Susino. The document
149 and its contents remains a mystery to this date.

150 After a mandatory lunch break. Susino was once again called into the upper Manager’s office. There again
151 was Safeway Manger Roman Nunez. and a new Safeway Corporate employee who identified herself only
152 as Asset Protection Specialist Liz. who refused to give a Last name (aka Jane Doe Two).
153 [Emphasis Added]

154 Asset Protection Specialist Liz held up a folder. identified it as Susino’s employee folder. and said to
155 Susino. “**You promised to join the Union.” [Emphasis Added]**

156 Susino asked. “What does the law state about joining a Union?”

157 Asset Protection Specialist Liz responded. “ *I don’t know. I don’t work for the government. I work for*
158 *Safeway.* ” [Emphasis Added]

159 Shocked and stunned by the lack of understanding of legal application of law and flawed reasoning, Susino
160 eventually noted that UFCW5 Representative Laurie Mesa was reported by Susino for harassment.
161 following, stalking, and other concerns as a mandatory result of Laurie Mesa’s actions.

162
163 Safeway Asset Protection Specialist *Liz stated the noted event and recordings were on her supervisor’s*
164 *computer.* [Emphasis Added]

165 When asked who her supervisor was, Asset Protection Specialist Liz stated it is Jeff Scales. This is
166 consistent with representations made by Laurie Mesa, Safeway, and Jeff Scales himself, even though the
167 reporting party Susino has never been contact about the event by Safeway, Jeff Scales, nor anyone nor any
168 entity doing an investigation.

169 *Then Susino was suspend from employment at Safeway.* [Emphasis Added]

170 When asking Asset Protection Specialist Liz if the reason for *the suspension was for NOT joining the*
171 *Union.* Asset Protection Specialist Liz confirmed such with a verbal, “Yes.” [Emphasis Added]

172
173 The evidence of this separation, suspension, and termination is not in conflict nor in dispute.

174 Its entirety is confirmed to be captured on Safeway Security Cameras, both visually and auditory.

175 As is cited in the legal argument, these secondary acts and representation made by Safeway Manager
176 Nunez, the UFCW5, UFCW5’ Representative Laurie Mesa, UFCW5’ Representative Jane Doe, Asset
177 Protection Specialist Liz, Area Manager Kelli Elison ,and Safeway Manager Scott Goh are violation of the
178 laws delineated in National Relations Labor Act (NLRA). The Taft-Hartley Act, Weingarten Rights, and

The Beck Right at minimum and collectively.

VI. CLAIMS

First Claim

Name the law or right violated: An employee is NOT required to join a Union

Name the defendants who violated it:

Safeway, Inc., Scott Goh, Roman Nunez, UFCW5, Laurie Mesa, Jane Doe One , Et al.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Second Claim

Name the law or right violated: An employer cannot coerce an employee into joining a Union

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One;Et al.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from interfering with employees in the exercise of rights relating to joining a labor organization.

Third Claim

Name the law or right violated: An employer cannot interfere with an employee to join a Union

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Et al.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from interfering with interfering with employees in the exercise of rights relating to refraining from joining a labor organization.

Fourth Claim

Name the law or right violated: An employer cannot assist a labor organization in making employees join a labor organization.

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez. Scott Goh. Jane Doe One; Et al.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from assisting a labor organization in the exercise of rights relating to employees refraining to join a labor organization .

Fifth Claim

Name the law or right violated: A labor organization cannot coerce an employees into refraining from joining a labor Union

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez. Scott Goh. Jane Doe One; Et al.

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids labor organizations from coercing employees in the exercise of rights relating to refraining from joining a labor organization.

Seventh Claim

Name the law or right violated: An employer cannot threaten employees with loss of job for refraining from joining a labor organization

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from threatening employees with loss of jobs if they engage in protected activity, in this case not joining a union.

Eighth Claim

Name the law or right violated:

A labor organization cannot threaten employees with job loss

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from threatening employees with loss of jobs if they engage in protected activity.

Nineth Claim

Name the law or right violated: Employees cannot be questioned about their union sympathies or activities

274 @#&

275 Name the defendants who violated it:

276 Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

277 Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You
278 do not need to make legal arguments. You can refer to your statement of facts.

280 The National Labor Relations Act forbids employers from Questioning employees about their
281 union sympathies or activities in circumstances that tend to interfere with, restrain or coerce
282 employees in the exercise of their rights under the National Labor Relations Act.

285 Tenth Claim

286 Name the law or right violated: Laying off employee because he would not join union

287 Name the defendants who violated it:

288 Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

289 Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You
290 do not need to make legal arguments. You can refer to your statement of facts.

291 The National Labor Relations Act forbids employers from laying off, employees because
292 they engaged in union or protected activity.

294 Eleventh Claim

295 Name the law or right violated:

296 Terminating employee for not joining Union

297 Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez. Scott Goh. Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

The National Labor Relations Act forbids employers from **terminating** employees **because they engaged in protected activity.**

Twelfth Claim

Name the law or right violated: The Beck Right

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez. Scott Goh. Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Thirteenth Claim

Name the law or right violated: The Beck Right

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez. Scott Goh. Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Fourteenth Claim

Name the law or right violated: The Beck Right

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Fifteenth Claim

Name the law or right violated: The Beck Right

Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

Sixteenth Claim

Name the law or right violated: The Whistle Blower Act (?? Correct Name?)

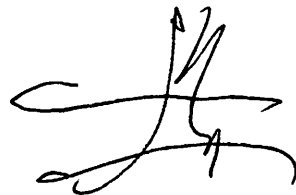
Name the defendants who violated it:

Safeway, Inc. ; UFCW5; Laurie Mesa; Roman Nunez, Scott Goh, Jane Doe One; Jane Doe Two

Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer to your statement of facts.

344 After reporting her own acknowledged acts of inducing fear and intimidation and stalking of UFCW5's
345 Laurie Mesa, Plaintiff Susino was targeted and retaliated upon by Safeway management and employees for
346 making the report.

7-2-2025

A handwritten signature in black ink, appearing to be a stylized 'L' or 'J' with a vertical stroke and a horizontal crossbar.

